

Rejection Under 35 U.S.C. § 102

The Examiner rejected claims 9 and 10 under 35 U.S.C. § 102(e) as being anticipated by Greve, et al., (U.S. Patent No. 6,028,176) (Paper No. 22, pages 2-4). Applicants respectfully traverse this rejection.

In order to support anticipation under 35 U.S.C. § 102, each and every element of a claimed invention must be disclosed within a single prior art reference. *See In re Bond*, 15 USPQ2d 1896 (Fed. Cir. 1991).

The present invention is directed to hIL-4 muteins having a reduced affinity and/or an altered specificity to the γ subunit of the IL-4 receptor and/or HIL-13 R α subunit of the hIL-4 receptor, wherein one or more amino acids at positions 7, 11, 12, or 15 have been substituted with another amino acid, and furthermore, hIL-4 muteins wherein one or more additional amino acids at position 121, 123, 124, or 125 have been substituted with another amino acid.

Greve, et al., discloses high affinity IL-4 muteins. However, Greve, et al., does not teach or disclose IL-4 muteins comprising amino acid substitutions at positions 7, 123, and 125. Furthermore, Greve, et al., does not teach or disclose IL-4 muteins with a reduced affinity and/or an altered specificity to the γ subunit of the IL-4 receptor.

Since the IL-4 muteins described by Greve, et al., do not disclose amino acid substitutions at positions 7, 123, and 125, nor IL-4 muteins with a reduced affinity and/or an altered specificity to the γ subunit as claimed in the invention, Greve, et al., does not teach each and every limitation of the claimed invention. Therefore, the Examiner has failed to establish a proper rejection under 35 U.S.C. § 102 (e). Accordingly, Applicants respectfully request reconsideration and withdrawal of the of the present rejection.

CONCLUSION

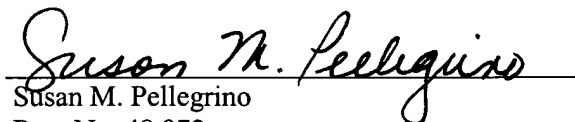
For the foregoing reasons, Applicants submit that the claims are in condition for allowance and Applicants respectfully request reexamination of the present application. Should there be any further matter requiring consideration, Examiner Seharaseyon is invited to contact the undersigned counsel.

If there are any further fees due in connection with the filing of the present reply, please charge the fees to undersigned's Deposit Account No. 13-3372. If a fee is required for an extension of time not accounted for, such an extension is requested and the fee should also be charged to undersigned's deposit account.

Respectfully submitted,

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